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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/735,817	12/16/2003	Patrick Nolan	061270-0889	2881

22428 7590 08/12/2004

FOLEY AND LARDNER
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

EXAMINER

BRITTAIN, JAMES R

ART UNIT	PAPER NUMBER
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3677

DATE MAILED: 08/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/735,817	Applicant(s) NOLAN, PATRICK	
	Examiner James Brittain	Art Unit 3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>05052004</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Objections

Claim 3 is objected to because of the following informalities: The passage “for receiving a respective of the arms” (lines 2-3) is written in non-idiomatic English. Appropriate correction is required.

Information Disclosure Statement

The information disclosure statement filed on May 5, 2004 does not fully comply with the requirements of 37 CFR 1.98 because: The photograph exhibits A4 and A5 are undated and the accompanying statement in the information disclosure statement does not state that the exhibits are older than applicant's filing date. Since applicant has provided no basis to determine the dates of the exhibits, it is impossible to consider them and 37 CFR 1.98 requires a date. Since the submission appears to be *bona fide*, applicant is given **ONE (1) MONTH** from the date of this notice to supply the above mentioned omissions or corrections in the information disclosure statement. **NO EXTENSION OF THIS TIME LIMIT MAY BE GRANTED UNDER EITHER 37 CFR 1.136(a) OR (b).** Failure to timely comply with this notice will result in the above mentioned information disclosure statement being placed in the application file with the noncomplying information **not** being considered. See 37 CFR 1.97(i).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 3677

Claims 1-3, 5-8, 10 and 12 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Anscher (US 6393677).

Anscher (figures 1, 2) teaches a buckle assembly comprising: a buckle body 11 having first and second openings 19; first and second waist strap fasteners 12, 13 having first and second fastener coupling sections 17, 18, respectively, configured for respectively coupling with the first and second openings, and having respective top coupling sections 21; and first and second shoulder strap fasteners 30 having respective bottom coupling sections configured for coupling to respective top coupling sections to respectively couple the first waist strap fastener to the first shoulder strap fastener and the second waist strap fastener to the second shoulder strap fastener. As to claim 2, each top coupling section 21 comprises an arm perpendicular to a respective opening when the waist strap fasteners are coupled to the buckle body. In regard to claim 3, each bottom coupling section of the shoulder strap fasteners 30 is a hook defining a channel configured to receive an arm 21. As to claim 5, each fastener coupling section comprises a pair of guide arms 17 and an inner portion 18 between the top and bottom guide arms that lock. In regard to claim 6, note the release button 20. As to claims 7, 8 and 10, the arms 21 remain exterior to the buckle body as shown in figures 1 and 2 and slidably engage the shoulder strap fasteners 30. In regard to claim 12, when the waist strap fasteners in figures 1 and 2 are disengaged from the buckle body, the shoulder strap fasteners passively decouple from the waist strap fasteners.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 3677

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anscher (US 6393677) in view of Örje (US 4704771).

Anscher (figures 1, 2) teaches a buckle assembly comprising: a buckle body 11 having first and second openings 19; first and second waist strap fasteners 12, 13 having first and second fastener coupling sections 17, 18, respectively, configured for respectively coupling with the first and second openings, and having respective top coupling sections 21; and first and second shoulder strap fasteners 30 having respective bottom coupling sections configured for coupling to respective top coupling sections to respectively couple the first waist strap fastener to the first shoulder strap fastener and the second waist strap fastener to the second shoulder strap fastener. The difference is that while the buckle body in conjunction with the arms of the waist strap fasteners to forms a loop to capture the shoulder strap fasteners, the shoulder strap fasteners can be released because they form snap hooks. However, Örje (figures 1, 2, 4) teaches that it is conventional to capture a strap fastener 25 on the arm 22 of a waist strap fastener 13 via a loop 27 in the strap fastener 25 so as to prevent removal of the strap fastener and provide better securement. As it would be advantageous to improve the security of the shoulder strap fastener upon the waist strap fastener, it would have been obvious to modify the buckle of Anscher so that the shoulder strap fastener is prevented from separating on its own from the waist strap fastener in view of Örje suggesting such structure to be desirable to provide a more secure connection.

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Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Anscher (US 6393677) in view of Lerra et al. (US 6226844).

Anscher (figures 1, 2) teaches a buckle assembly comprising: a buckle body 11 having first and second openings 19; first and second waist strap fasteners 12, 13 having first and second fastener coupling sections 17, 18, respectively, configured for respectively coupling with the first and second openings, and having respective top coupling sections 21; and first and second shoulder strap fasteners 30 having respective bottom coupling sections configured for coupling to respective top coupling sections to respectively couple the first waist strap fastener to the first shoulder strap fastener and the second waist strap fastener to the second shoulder strap fastener. The difference is that waist strap fastener lacks a narrowed section with the shoulder strap fastener having a cooperating channel. However, Lerra et al. (figures 8, 10, 10A) teaches that it is desirable to provide a connection that forms a tongue and groove 100, 102 so as to achieve greater strength in the connection (col. 5, lines 53-55) and that the positions of the bar and slot can be reversed from that shown so that the buckle can include the bar 100 and the modular component carrying the straps can include the slot 102 (col. 6, lines 36-38). As it would be advantageous to strengthen the connection of the shoulder strap fastener to the waist strap fastener of Anscher, it would have been obvious to modify the buckle of Anscher so that the waist strap fastener has a narrowed section with the shoulder strap fastener having a cooperating channel in view of Lerra et al. suggesting a tongue and groove structure in a similar buckle as being desirable to enhance the strength of the connection between the fastener and strap connection component.

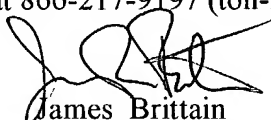
Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents of Radke (US 3542426, figures 1, 2) and Cheetham (GB 2286851, figure 7) teach pertinent buckle structure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Brittain whose telephone number is (703) 308-2222. The examiner can normally be reached on M-F 5:30-2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (703) 306-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


James Brittain
Primary Examiner
Art Unit 3677

JRB